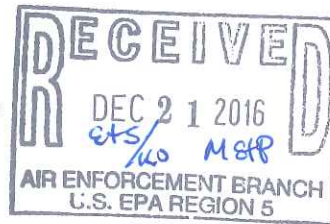


December 16, 2016

VIA FEDERAL EXPRESS

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604



Re: MGPI of Indiana, LLC ("MGP")
First Supplemental Response to EPA Section 114 Request dated August 26, 2016

Dear Sir or Madam:

This Firm represents MGPI of Indiana, LLC ("MGP") with respect to EPA's Clean Air Act Section 114 Information Request dated August 26, 2016, received by MGP on September 2, 2016 ("Information Request"). Via letter to Marie St. Peter dated October 11, 2016, MGP requested an extension of time to respond to the Information Request. Ms. St. Peter granted this request via e-mail on October 14, 2016. Pursuant to that extension, MGP is providing a rolling production. On November 16, 2016, MGP submitted its initial response to responses to Request Numbers 1, 2, 13, 15 and 16. This constitutes MGP's First Supplemental Response. As we've discussed, MGP has been working diligently to prepare a response to the Request, and anticipates at least one additional response. We expect to provide that within 30 days.

MGP considers all documents produced pursuant to this response and any future responses and stamped "Confidential Business Information" to be confidential business information or trade secrets (collectively referred to as "CBI") and, therefore, protected from release to third parties pursuant to 5 U.S.C. § 552(b)(4) and 40 C.F.R. Part 2. In addition, some of the documents provided may contain CBI of third parties that MGP is obligated to protect and maintain. MGP is concerned with protecting its CBI and requests that EPA provide MGP with sufficient notice prior to releasing any of this information to any third party so that MGP can timely avail itself of all federal and state laws that protect the Company's CBI.

General Objections

Although MGP is making diligent efforts to comply with the Information Request, in order to preserve the Company's rights, MGP hereby objects to the Information Request for the reasons set forth below (the "General Objections"). The General Objections pertain to this response as well as all future or supplemental responses. MGP reserves its rights to file supplemental objections throughout its efforts to respond to the Information Request.

1. MGP objects to each request in the Information Request to the extent it seeks information outside the scope of EPA's authority pursuant to 42 U.S.C. § 7414. Moreover, the purpose of the Information Request is overbroad and vague; MGP objects that the Information Request is outside the scope of EPA's authority.

2. MGP objects to each request in the Information Request to the extent EPA seeks information not relevant to the purpose stated in the Information Request, 42 U.S.C. § 7414.

3. MGP objects to each request in the Information Request to the extent that, through that Information Request, EPA imposes an undue burden on the Company, 42 U.S.C. § 7414.

4. MGP objects to the Information Request to the extent that EPA requests MGP to divulge information protected by the attorney-client privilege, the work-product doctrine, or other available privilege or protection. The Clean Air Act does not require a party to divulge such information in response to information requests.

5. MGP objects to providing information that it has previously provided to EPA or the State of Indiana, including, by way of example and not by way of limitation, information provided related to permits, permit applications and data transmitted in compliance reports routinely prepared for government use. These requests are duplicative and, therefore, unduly burdensome.

6. MGP objects to any request in the Information Request that is vague, ambiguous or overbroad or too indefinite to be capable of reasonable interpretation.

7. MGP objects to each request in the Information Request to the extent that it calls for the Company to make legal conclusions concerning the Clean Air Act Provisions, including the Indiana State Implementation Plan.

8. MGP objects to each request in the Information Request to the extent it seeks confidential business information.

9. MGP objects to each request in the Information Request to the extent it requires MGP to develop or create information and/or documents that do not otherwise exist or that MGP is not otherwise required to create and/or maintain.

10. MGP objects to each request in the Information Request to the extent it seeks information not kept in the ordinary course of MGP's business or not kept in the form requested by EPA in the ordinary course of MGP's business. Requiring MGP to produce information in a form or manner not kept by the Company is unduly burdensome and beyond the scope of Section 114 of the Clean Air Act.

11. MGP objects to each request in the Information Request to the extent it seeks information from before December 27, 2011, the date MGP acquired the Facility. To that end, MGP is only producing responsive information generated after that date. In addition, to the extent any documents are requested from more than five years prior to the date of the Information Request, such requests seek information that is beyond the scope of regulatory document retention requirements, if any, under Clean Air Act regulations and reach beyond the applicable statute of limitations for violations of the Clean Air Act.

11. MGP objects to each request in the Information Request to the extent it seeks information not in the possession, custody or control of MGP.

Notwithstanding and without waiving these Objections, and subject to them, MGP has prepared this response based upon the information available to it. Where the Information Request is vague, ambiguous, overbroad, unduly burdensome, or beyond the scope of EPA's authority pursuant to Section 114 of the Clean Air Act, MGP is making appropriate and reasonable efforts to provide responsive information based on its interpretation of the Requests. To the extent that information produced herein is not required by law or is outside of the scope that EPA has the authority to request, that information is voluntarily submitted. MGP waives no rights to protection of information that it voluntarily submits.

In accordance with our understanding of your Request, MGP is producing herewith documents that are bates stamped MGP-EPA1290 to MGP-EPA0004739. MGP reserves the right to supplement this response as additional responsive information becomes available.

MGP's Specific Responses

- 8. For every emission unit at the facility, provide the monthly volatile organic compound emissions in pounds from January 2010 to the present.**

MGP Response: MGP reasserts the General Objections above. Notwithstanding and without waiving these Objections, MGP provides documents bates numbered MGP-EPA0004667 to MGP-EPA0004739.

- 9. For the monthly VOC emissions requested in question 8, above, provide the underlying data (e.g., emission factors) and example calculations demonstrating how the emissions were calculated.**

MGP Response: MGP reasserts the General Objections above. Notwithstanding and without waiving these Objections, MGP provides documents bates numbered MGP-EPA0004667 to MGP-EPA0004739.

- 10. Describe, in a chronologically organized table, all capital and/or maintenance expenditures greater than \$25,000 made for emission units and process equipment at the Facility from January 1, 2010 through the present data. This table will identify the unit, approximate construction commencement date of each project, the construction completion and implementation date of each project, a brief description of each project that identifies the work completed, vendor information, the dollar amount approved, and the dollar amount expended. If MGPI or its predecessor(s) received a permit for a described project, indicate the type of permit and the permit number.**

MGP Response: MGP reasserts the General Objections above. In addition, MGP objects to the extent that this request requires MGP to make legal conclusions regarding what constitutes "capital" expenditures. MGP further objects to the request as it pertains to maintenance expenditures. Moreover, the request for "maintenance expenditures" is overly broad and unduly burdensome. Notwithstanding and without waiving these Objections, MGP is providing a list of capital expenditures at document bates numbered MGP-EPA0001290 to MGP-EPA0001291. In 2015, MGP changed its process of tracking capital expenditures. MGP has attempted to identify responsive information from 2012 to 2014. If additional responsive information is discovered, MGP will supplement its response.

- 11. For each capital expenditure and/or maintenance expenditures identified in response to Question 10, above, that cost more than \$50,000, provide copies of all capital appropriation requests, financial justifications, and authorizations, including attachments and addenda, generated by or prepared on behalf of MGPI or its predecessor(s) concerning each project.**

MGP Response: MGP reasserts the General Objections above. In addition, MGP objects to the extent that this request requires MGP to make legal conclusions regarding what constitutes "capital" expenditures. MGP further objects to the request as it pertains to maintenance expenditures. Moreover, the request for "maintenance expenditures" is overly broad and unduly burdensome. Finally, MGP objects to the scope of this request. Providing all the documents EPA requests likely would result in tens of thousands of pages of documents, including documents for expenditures that are not relevant to EPA's authority under the Clean Air Act. This is an unnecessary expenditure of resources and time for both MGP and EPA. Notwithstanding and without waiving these Objections, MGP requests that EPA review the list of expenditures provided in response to Request 10 and identify specific expenditures for which it seeks the requested documentation. MGP will make a reasonable and diligent effort to provide requested information for those expenditures.

- 12. For the whiskey distillation project at the Facility, provide copies of capital and/or maintenance appropriation requests, financial justifications, and authorizations, including attachments and addenda, related to any physical change or modification made to an emission units or process equipment that were not included in the response to Questions 10 and 11.**

MGP Response: MGP reasserts the General Objections above. MGP also objects to the term "whiskey distillation project" as vague and subject to differing interpretation. Per the response to Request 11, MGP will make reasonable and diligent effort to provide responsive information regarding the capital expenditures identified by EPA.

- 14. Provide copies of any written correspondence, determinations, documents or communications with U.S. EPA or IDEM concerning the applicability of Prevention of Significant Deterioration (PSD) and major New Source Review (NSR) rules regarding the construction or modification of the Facility since January 2011.**

MGP Response: MGP reasserts the General Objections above. Notwithstanding and without waiving these Objections, MGP provides documents bates numbered MGP-EPA001292 to MGP-EPA0003358.

- 17. To the extent not provided before, provide copies of any correspondence between the state, local, or federal permitting authority since 2010 regarding the installation or modification of any emissions unit or the emission limits for any emission units at the Facility, including, but not limited to, applicability determinations, regulatory interpretations and approval orders.**

MGP Response: MGP reasserts the General Objections above. Notwithstanding and without waiving these Objections, MGP provides documents bates numbered MGP-EPA0003359 to MGP-EPA004666.

- 18. Provide all records required since January 1, 2010 pursuant to 40 C.F.R. § 51.165(a)(6).**

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MGP Response: MGP reasserts the General Objections above. Notwithstanding and without waiving these Objections, MGP states that no responsive documents have been identified at this time.

Sincerely,

Stinson Leonard Street LLP



Brittany A. Barrientos

BAB:lmc

Enclosures

cc: Marie St. Peter, EPA Region 5 (letter only sent via e-mail)
Steve Glaser, MGPI of Indiana, LLC
Munim Hussain, MGPI of Indiana, LLC